



# Office of the City Clerk

City Hall  
121 N. LaSalle St.  
Room 107  
Chicago, IL 60602  
www.chicityclerk.com

## Legislation Text

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File #: SO2020-4581, Version: 1

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### FINAL FOR PUBLICATION

#### ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. That the Chicago Zoning Ordinance be amended by changing all of the Planned Development Number 1261 symbols and indications as shown on Map 7-K in the area bounded by:

West George Street; a line 286.97 feet west of and parallel to North Pulaski Road; a line 314.64 feet south of and parallel to West George Street; a line 100 feet west of and parallel to North Pulaski Road; a line 323.14 feet south of and parallel to West George Street; North Pulaski Road; West Diversey Avenue; and the Easterly Right of Way Line of the Chicago, Milwaukee, St. Paul & Pacific Railroad Company; a line 673.08 feet northwest of and parallel to the north line of West Diversey Avenue (as measured along the Easterly Right of Way line of the Chicago, Milwaukee, St. Paul & Pacific Railroad Company); the west boundary line of North Kearsarge Avenue,

to those of Planned Development Number 1261, as amended, which is hereby established in the area above described, subject to such use and bulk regulations as are set forth in the Plan of Development herewith attached and made a part thereof and to no others.

SECTION 2. This Ordinance shall be in force and effect from and after its passage and due publication.

Address: 4000-4180 West Diversey Avenue / 4029-4153 West George

EASTM 6997-1435.3

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**PLANNED DEVELOPMENT NO. 1261 BULK REGULATIONS AND  
DATA TABLE**

Gross Site Area:

Public R-O-W:

Net Site Area - Total:

Maximum Floor Area Ratio

Maximum Floor Area (sf) Total

Maximum No. Dwelling Units:

Maximum Site Coverage:

Minimum No. of Bike Parking:

Minimum Number of Off-Street Parking Spaces

Minimum Number of Off-Street Loading Berths

Maximum Building Height (feet)

751,345 square feet 59,349 square feet 691,996 sq. ft. 2.2

1,522,391 sq.ft. 124

Per Site Plan 50

623 spaces (See Note 1)

As required by Zoning Ordinance

96'-7"

Note 1: The parking facilities may be used on a shared basis to satisfy the accessory parking requirements for multiple uses within

this planned development.

The following uses shall be subject to the following requirements:

- Residential Dwelling Units 0.70 spaces per unit
- Office; High Technology Office: 1.5 spaces per 1,000 square feet
- If a Food & Beverage Retail Sales use is established in Subarea A or B, then the east surface parking lot along North Pulaski Road shall be installed.

Applicant: KV 400(1 Diversey Commercial LLC <http://CommeiLM.il> LLC  
Address: 4 1-41 SO West Diversey Avenue, 402M I 53 West George  
Submitted: September 2020  
Permit Application: November 15, 2021

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**PLANNED DEVELOPMENT NO. 1261, AS AMENDED PLANNED DEVELOPMENT STATEMENTS**

The area delineated herein as Planned Development Number 1261, ("Planned Development") consists of approximately 691,996 square feet of property which is depicted on the attached Planned Development Boundary and Property Line Map ("Property"). KV 4000 Diversey Commercial LLC is owns a portion of the Property and is the "Applicant" pursuant to authorization from the other owners.

2. The requirements, obligations and conditions contained within this Planned Development shall be binding upon the Applicant, its successors and assigns and, if different than the Applicant, the legal title holders and any ground lessors. All rights granted hereunder to the Applicant shall inure to the benefit of the Applicant's successors and assigns and, if different than the Applicant, the legal title holder and any ground lessors. Furthermore, pursuant to the requirements of Section 17-8-0400 of the Chicago Zoning Ordinance, the Property, at the time of application for amendments, modifications or changes (administrative, legislative or otherwise) to this Planned Development, shall be under single ownership or designated control. Single designated control is defined in Section 17-8-0400 of the Zoning Ordinance.
3. All applicable official reviews, approvals or permits are required to be obtained by the Applicant or its successors, assignees or grantees. Any dedication or vacation of streets or alleys or grants of easements or any adjustment of the right-of-way shall require a separate submittal to the Chicago Department of Transportation ("CDOT") on behalf of the Applicant or its successors, assigns or grantees.

Any requests for grants of privilege, or any items encroaching on the public way, shall be in compliance with the Plans (as defined in Statement 4 below).

Ingress or egress shall be pursuant to the Plans and may be subject to the review and approval of the Department of Planning and Development ("DPD") and CDOT. Closure of all or any public street or alley during demolition or construction shall be subject to the review and approval of CDOT.

All work proposed in the public way must be designed and constructed in accordance with CDOT Construction Standards for Work in the Public Way and in compliance with the Municipal Code of the City of Chicago. Prior to the issuance of any Part II approval, the submitted plans must be approved by CDOT.

4. This Plan of Development consists of eighteen (18) Statements: a Bulk Regulations Table; an Existing Land Use Map; an Existing Zoning Map; a Planned Development Property Line and Boundary Map; Site Plan; Sub-Area Plan; Landscape Plan; Overall Landscape Plan; Green Roof Plan and Building Elevations (North, South, East and West) prepared by I Hirsch Associates LLC and dated February 18, 2021 submitted herein. Full-sized copies of the Site Plan, Landscape Plan and Building Elevations are on file with DPD. In any instance where a provision of this Planned Development conflicts with the Chicago Building Code, the Building Code shall control. This Planned Development conforms to the intent and purpose of the Zoning Ordinance, and all requirements thereto, and satisfies the established criteria for approval as a Planned Development. In case of a conflict between the terms of this Planned Development Ordinance and the Zoning Ordinance, this Planned Development Ordinance shall control.

Applicant:	KV -1000 Diversey Commcrckil LLC
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5. Subarea A and B: Residential Dwelling Units above the Ground Floor; Artist Work or Sales Space; Office; High Technology Office; Business Support Services; Communication Service Establishments; Eating and Drinking Establishments (all, including Outdoor Patio at grade and rooftop); Food and Beverage Retail Sales; Retail Sales, General; Indoor Special Event including incidental liquor sales; Small and Medium Venues; Banquet or Meeting Halls; Cultural Exhibits and Libraries; Sports and Recreation, Participant; Personal Service; Repair and Laundry Services, Consumer; Children's Play Center; Artisan and Limited Manufacturing; Warehousing, Wholesaling and Freight Movement; Day Care; Parks and Recreational Uses and accessory parking.

Subarea C: Business/Trade School; Day Care; Postal Service; Artist Work or Sales Space; Building Maintenance Services; Business Equipment and Sales Service; Business Support Services; Urban Farm - Indoor and/or Rooftop Operation; Communication Service Establishments; Building Material Sales; Office; High Technology Office; Residential Storage Warehouse; Retail Sales, General; Eating and Drinking Establishments (all, including Outdoor Patio at grade and rooftop); Food and Beverage Retail Sales; Indoor Vehicle Storage; Artisan and Limited Manufacturing; Warehousing, Wholesaling and Freight Movement; Wireless Communication Facilities & Co-Located; Cultural Exhibits and Libraries; Sports and Recreation, Participant; Personal Service; Repair and Laundry Services, Consumer; Amusement Arcades and Children's Play Center; Indoor Special Event including incidental liquor sales; Small and Medium Venues; Banquet or Meeting Halls; Parks and Recreational Uses and accessory parking.

Subarea D: Business/Trade School; Artist Work or Sales Space; Building Maintenance Services; Business Equipment and Sales Service; Business Support Services; Urban Farm - Indoor and/or Rooftop Operation; Communication Service Establishments; Building Material Sales; Residential Storage Warehouse; Artisan and Limited Manufacturing; Eating and Drinking Establishments (all, including Outdoor Patio at grade and rooftop); Food and Beverage Retail Sales; Office; High Technology Office; Electronic Data Storage Center; Indoor Vehicle Storage; Warehousing, Wholesaling and Freight Movement; Wireless Communication Facilities & Co-Located; Cultural Exhibits and Libraries; Sports and Recreation, Participant; Personal Service; Repair and Laundry Services, Consumer; Amusement Arcades and Children's Play Center; Indoor Special Event including

incidental liquor sales; Small and Medium Venues; Banquet or Meeting Halls; Day Care; Parks and Recreational Uses and accessory parking.

Subarea E and F: Building Maintenance Services; Business Equipment and Sales Service; Business Support Services; Communication Service Establishments; Building Material Sales; Residential Storage Warehouse; Indoor Vehicle Storage; Artisan and Limited Manufacturing: Warehousing, Wholesaling and Freight Movement; Wireless Communication Facilities & Co-located; Office; High Technology Office; Cultural Exhibits and Libraries; Sports and Recreation, Participant; Personal Service; Amusement Arcades and Children's Play Center; Restaurant, General; Food and Beverage Retail Sales; Retail Sales, General; Indoor Special Event including incidental liquor sales; Small and Medium Venues; Banquet or Meeting Halls; Day Care; Parks and Recreational Uses and accessory parking.

The following uses are prohibited in this Planned Development:

Colleges and Universities; Hospitals; Body Art Services; Lodging, Bed and Breakfast, Vacation Rental; Freestanding (Towers) Wireless Communication Facilities; Contractor/Construction Storage

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Yard; Outdoor Vehicle Storage and Towing; Motor Vehicle Repair Shop; Vehicle Sales and Service; Non-accessory parking; Class I - II Recycling Facilities; Automated Teller Machine Facility; Undertaking; and Medical Service.

6. On-Premise signs and temporary signs, such as construction and marketing signs, shall be permitted within the Planned Development, subject to the review and approval of DPD. Off-Premise signs are prohibited within the boundary of the Planned Development.
7. For purposes of height measurement, the definitions in the Zoning Ordinance shall apply. The height of any building shall also be subject to height limitations, if any, established by the Federal Aviation Administration.
8. The maximum permitted Floor Area Ratio ("FAR") for the site shall be in accordance with the attached Bulk Regulations Table. For the purposes of FAR calculations and measurements, the definitions in the Zoning Ordinance shall apply. The permitted FAR identified in the Bulk Regulations Table has been determined using a Net Site Area of 691,996 square feet.
9. Upon review and determination, "Part II Review", pursuant to Section 17-13-0610 of the Zoning Ordinance, a Part II Review Fee shall be assessed by DPD. The fee, as determined by staff at the time, is final and binding on the Applicant and must be paid to the Department of Revenue prior to the issuance of any Part II approval.
10. The Site and Landscape Plans shall be in substantial conformance with the Landscape Ordinance and any other corresponding regulations and guidelines. Final landscape plan review and approval will be by DPD. Any interim reviews associated with site plan review or Part II reviews, are conditional until final Part II approval.
11. The Applicant shall comply with Rules and Regulations for the Maintenance of Stockpiles promulgated by the Commissioners of the Departments of Streets and Sanitation, Fleet and Facility Management and Buildings, under Section 13-32-125 of the Municipal Code, or any other provision of that Code.
12. The terms and conditions of development under this Planned Development ordinance may be modified administratively, pursuant to Section 17-13-0611-A of the Zoning Ordinance by the Zoning Administrator upon the application for such a modification by

the Applicant, its successors and assigns and, if different than the Applicant, the legal title holders and any ground lessors.

13. The Applicant acknowledges that it is in the public interest to design, construct and maintain the project in a manner which promotes, enables and maximizes universal access throughout the Property. Plans for all buildings and improvements on the Property shall be reviewed and approved by the Mayor's Office for People with Disabilities to ensure compliance with all applicable laws and regulations related to access for persons with disabilities and to promote the highest standard of accessibility.
14. The Applicant acknowledges that it is in the public interest to design, construct, renovate and maintain all buildings in a manner that provides healthier indoor environments, reduces operating costs and conserves energy and natural resources. With respect to Subareas A-D, the Applicant shall exceed ASHRAE 90.1 - 2004 by at least 14% and provide a green roof of not less than 50% of the net

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roof area, which is equivalent to an actual total of 74,068 square feet. Some or all of the foregoing green roof requirement may be satisfied by providing one or a combination of the following options: (a) vegetative green roof, (b) provide solar panels with an array size equivalent to 25% of the area required for the green roof (i.e., in lieu of 50,000 square feet of green roof, providing 12,500 sf of solar panels) or (c) providing Best Management Practice (BMP) by offsetting the equivalent stormwater value of a green roof either in a cistern, a rain garden, pervious hardscape or other method which will divert the equivalent value achieved by a green roof from the stormwater system. At the time of each Part II review for all or portions of Subareas A-D involving over 50,000 square feet of floor area, the Applicant shall submit a report demonstrating its progress towards the sustainability requirements set forth herein, which may be updated with subsequent phases of development. Subareas E and F shall be exempt from the requirements set forth in this Statement 14.

15. The Applicant acknowledges that the Planned Development includes a building commonly known as the Marshall Field & Co. Warehouse Building and identified as potentially significant in the Chicago Historic Resources Survey. Pursuant to the Zoning Ordinance, Section 17-8-0911 and Section 13-32-230 of the Municipal Code, the Applicant acknowledges that planned developments should give priority to the adaptive reuse of historic buildings which have been designated as an orange building in the Chicago Historic Resources Survey. Therefore, the applicant agrees, where possible, to retain and preserve the existing character-defining features of the building. The character-defining features are identified as all exterior elevations, including rooflines, that are visible from the public rights-of-way; however, the Applicant may add or modify openings, entries or windows to accommodate tenant uses. In general, existing original features and materials of the character-defining features should be retained and preserved as much as reasonably possible, while any changes should be compatible with the building's current design and, where possible, historic character. Such work to the character-defining features shall be subject to the review and approval of the Department of Planning and Development as a part of the Part II Review.
16. The Applicant acknowledges and agrees that the rezoning of the Property from Planned Development No. 1261 to Planned Development No. 1261, as amended, triggers the requirements of Section 2-45-115 of the Municipal Code (the "Affordable Requirements Ordinance" or "ARO"). Any developer of a residential housing project within the meaning of the ARO must: (i) set aside 10% of the housing units in the residential housing project (the Required Units) as affordable units, or with the Commissioner of the Department of Planning and Development's (DPD) approval, provide the Required Units in an approved off-site location; (ii) pay a fee in lieu of the development of the Required Units; or, (iii) any combination of (i) and (ii); provided, however, that residential housing projects with 20 or more units must provide at least 25% of the Required Units on-site or off-site. If the developer elects to provide affordable units off-site, the off-site affordable units must be located within a two-mile radius from the residential housing project and in the same or a different higher income area or downtown district. The Property is located in a higher income area, within the meaning of the ARO, and the proposed amendment would allow 124 permitted units.

As a result, the Applicant's affordable housing obligation is 12 affordable units (10% of 124 rounded down), 3 of which are Required Units (25% of 12). Applicant has agreed to satisfy its affordable housing obligation by providing all 12 affordable units in the rental building, as set forth in the Affordable Housing Profile Form attached hereto as Exhibit . The Applicant agrees that the affordable rental units must be affordable to households earning no more than 60% of the Chicago Primary Metropolitan Statistical Area Median Income (AMI), as updated annually by the City of Chicago. If the Applicant subsequently reduces (or increases) the number of housing units in the PD, the Applicant shall update and resubmit the Affordable Housing Profile Form to DPD for review and

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approval; DPD may adjust the number of required Affordable Units without amending the PD. Prior to the issuance of any building permits for any residential building in the PD, including, without limitation, excavation or foundation permits, the Applicant must execute and record an affordable housing agreement in accordance with Section 2-45-115(L). The terms of the affordable housing agreement and any amendments thereto are incorporated herein by this reference. The Applicant acknowledges and agrees that the affordable housing agreement will be recorded against the PD, or the applicable portion thereof, and will constitute a lien against such property. The Commissioner of DPD may enforce remedies for any breach of this Statement 16, including any breach of any affordable housing agreement, and enter into settlement agreements with respect to any such breach, subject to the approval of the Corporation Counsel, without amending the PD.

17. The Applicant acknowledges that it is the policy of the City to maximize opportunities for Minority and Women-owned Business Enterprises ("M/WBEs") and city residents to compete for contracts and jobs on construction projects approved through the planned development process. To assist the city in promoting and tracking such M/WBE and city resident participation, an applicant for planned development approval shall provide information at three points in the city approval process. First, the applicant must submit to DPD, as part of its application for planned development approval, an M/WBE Participation Proposal. The M/WBE Participation Proposal must identify the applicant's goals for participation of certified M/WBE firms in the design, engineering and construction of the project, and of city residents in the construction work. The city encourages goals of 26% MBE and 6% WBE participation (measured against the total construction budget for the project or any phase thereof), and (ii) 50% city resident hiring (measured against the total construction work hours for the project or any phase thereof). The M/WBE Participation Proposal must include a description of the Applicant's proposed outreach plan designed to inform M/WBEs and city residents of job and contracting opportunities. Second, at the time of the Applicant's submission for Part II permit review for the project or any phase thereof, the Applicant must submit to DPD (a) updates (if any) to the Applicant's preliminary outreach plan, (b) a description of the Applicant's outreach efforts and evidence of such outreach, including, without limitation, copies of certified letters to M/WBE contractor associations and the ward office of the alderman in which the project is located and receipts thereof; (c) responses to the Applicant's outreach efforts, and (d) updates (if any) to the applicant's M/WBE and city resident participation goals. Third, prior to issuance of a Certificate of Occupancy for the project or any phase thereof, the Applicant must provide DPD with the actual level of M/WBE and city resident participation in the project or any phase thereof, and evidence of such participation. In addition to the foregoing, DPD may request such additional information as the department determines may be necessary or useful in evaluating the extent to which M/WBEs and city residents are informed of and utilized in planned development projects. All such information will be provided in a form acceptable to the Zoning Administrator. DPD will report the data it collects regarding projected and actual employment of M/WBEs and city residents in planned development projects twice yearly to the Chicago Plan Commission and annually to the Chicago City Council and the Mayor.

IS. This Planned Development shall be governed by Section 17-13-0612 of the Zoning Ordinance. Should this Planned Development ordinance lapse, the Commissioner of DPD shall initiate a Zoning Map Amendment to rezone the property to Planned Development No. 1261, as it existed prior to this amendment.

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DEPARTMENT OF PLANNING AND DEVELOPMENT CITY OF CHICAGO

**MEMORANDUM**

To: Alderman Tom Tunney  
Chairman, City Council Committee on Zoning

From: Maurice D. Cox /  
Chicago Plan Commission

Date: February 18, 2021

Re: Proposed Amendment to Planned Development 1261 (4029-4153 W George Street & 4000-4180 W Diversey Avenue)

On February 18, 2021, the Chicago Plan Commission recommended approval of the proposed amendment to Planned Development 1261, submitted by KV 4000 Diversey Commercial LLC. The Applicant proposes to amend Residential Business Planned Development 1261 to allow for expanded uses across the site. Proposed physical improvements to the historic warehouse building include new storefront systems at levels 1, 2 & 6, and two new roof decks with additions of occupiable space on the level 2 roof deck. Alterations to the non-historic buildings on the parcel include demolition and new construction of a new 50'-tall building at the northwest portion of the site. The project will retain the existing 623 parking spaces and 50 bicycle parking spaces. A copy of the proposed ordinance, planned development statements and bulk table are attached. I would very much appreciate your assistance in having this introduced at the next possible City Council Committee on Zoning.

Also enclosed is a copy of the staff report to the Plan Commission which includes the Department of Planning and Development, Bureau of Zoning recommendation and a copy of the resolution. If you have any questions in this regard, please do not hesitate to contact Eiliesh Tuffy at [eiliesh.tuffy@cityofchicago.org](mailto:eiliesh.tuffy@cityofchicago.org) <<mailto:eiliesh.tuffy@cityofchicago.org>>.

cc: PD Master File (Original PD, copy of memo)

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